

Baker Asks Summoning Of Hoover

Justice to Resist His Appearance In FBI 'Bug' Case

By Richard Harwood
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Attorneys for Robert G. (Bobby) Baker served notice in Federal Court yesterday that they will attempt to summon J. Edgar Hoover to testify about the eavesdropping practices of the FBI.

The appearance of Hoover in the witness box would be highly unusual if not unprecedented and is expected to be resisted strongly by the Justice Department.

Nevertheless, the FBI director's name was on the witness list submitted to Judge Oliver Gasch by Baker's lawyer, Edward Bennett Williams.

Baker, under indictment for grand larceny, income tax evasion, conspiracy and fraud, is attempting at a pre-trial hearing before Judge Gasch to suppress Government evidence on grounds that it was illegally obtained with electronic eavesdropping devices. If this and other legal maneuvers fail, he will go to trial on Jan. 9.

The move to bring Hoover into the proceedings came at the end of a slightly stormy day in court in which Williams and Federal Prosecutor William O. Bittman staged an extra-curricular debate over ethics, and in which FBI agents revealed that they had inadvertently eavesdropped for more than two months on anonymous guests at the Sheraton-Carlton hotel here.

The Williams-Bittman clash occurred after court adjourned. Bittman told reporters it had been "improper" for Williams on Thursday to reveal in open court that the Justice Department had formally admitted violating Baker's constitutional rights by eavesdropping on his conversations.

Williams responded by toss-

ing on the table for the benefit of reporters a full transcript of the admission as it was recorded in the chambers of Judge Gasch Wednesday.

"Ed," Bittman protested, "are you showing them that?"

"It's a public record available to anyone," Williams replied with heat. "You accused me in the New York Times today of unethical actions..."

Bittman, agitated, too, needed Williams to show the press other portions of the transcript "that are not complimentary to your client."

Williams's retort was cut

See BAKER, A4, Col. 1

off by Bittman who walked off saying, "I'm not going to stand here listening to you make speeches."

The exact language of Bittman's stipulation to Judge Gasch was: "Your Honor, I'd like to make a statement for the record here—that with respect to those conversations turned over to the court and the defendant in which it appears that Baker was either a participant or was present, the government will concede that those conversations were picked up in violation of Baker's constitutional rights—Fourth Amendment rights. We will concede that."

The Justice Department takes the position that the Bittman stipulation has no bearing on the validity of the Baker indictment because the indictment was unrelated to the eavesdropping.

Opens Up Possibility

However, in theory at least, the stipulation opens up the possibility of a criminal prosecution against FBI and Justice Department officials who participated in the eavesdropping operation. It is a Federal crime under laws dating from the Reconstruction period for persons to conspire to injure the constitutional rights of any citizen.

In the Baker case, Justice has conceded that at least 22 of his conversations were picked up by electronic "bugs" secretly installed in the Las Vegas offices of gambler Edward Levinson, the Miami offices of Benjamin Sigelbaum, and the Sheraton-Carlton Hotel suite of Fred B. Black Jr. in Washington.

Two of the FBI moitors assigned to the Black "bug"—Philip M. King and William B. Sloan—told the court yesterday they got more of an earful

than they intended.

The FBI microphone in the Sheraton-Carlton was installed in a wall separating two suites — 438-440, which Black occupied, and 434-436, which a procession of other guests occupied.

Sloan and King said they listened 24 hours a day to everything said in both suites. It was unclear from their testi-

mony whether they recorded on tape and in their logs the conversation from both suites.

Sloan merely said that his instructions were to record all conversations that "emanated from the (bugging) device."

Their monitoring post was in Room 432.

The hearing before Judge Gasch will resume Monday.